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U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS NOV 2 5 2008 DALLAS DIVISION CLERK, U.S. DISTRICT COURT UNITED STATES OF AMERICA Deputy CASE NO.: 3:08-CR-097-K (01) VS. MARTIN ODUBER ACEVEDO

REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY

MARTIN ODUBER ACEVEDO, by consent, under authority of <u>United States v. Dees</u>, 125 F.3d 261 (5th Cir. 1997), has appeared before me pursuant to Fed. R. Crim.P. 11, and has entered a plea of guilty to Count 2 of the 3 Count Indictment filed on April 9, 2008. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary and that the offense(s) charged is supported by an independent basis in fact containing each of the essential elements of such offense. I therefore recommend that the plea of guilty and plea agreement be accepted and that Defendant be adjudged guilty and have sentence imposed accordingly.

Date: November 25, 2008.

PAUL D. STICKNEY UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).